

Message Text

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DRAFTED BY AF/C:RRSTRAND:GJB

APPROVED BY AF:EWMULCAHY

L/AF:FWILLIS (DRAFT)

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FM SECSTATE WASHDC

TO AMEMBASSY KINSHASA IMMEDIATE

INFO AMEMBASSY BRUSSELS IMMEDIATE

C O N F I D E N T I A L STATE 194483

E.O. 11652, GDS

TAGS: CG, US, PFOR, CGEN

SUBJECT: GOZ REQUESTS EXTRADITION OF NDELE

REF: KINSHASA 6001

1. ZAIRIAN CHARGE NDAGANO CALLED ON ACTING ASSISTANT SECRETARY MULCAHY AUGUST 15 TO DELIVER LETTER FOR U.S. ATTORNEY GENERAL FROM THE AUDITOR GENERAL OF FAZ REQUESTING EXTRADITION OF FORMER BANK GOVERNOR ALBERT NDELE. LETTER CHARGES THAT NDELE PARTICIPATED IN CONSPIRACY TO ASSASSINATE MOBUTU, CITES APPLICABLE PORTIONS OF ZAIRIAN PENAL CODE, RECOGNIZES ABSENCE OF TREATY OF EXTRADITION BETWEEN U.S. AND ZAIRE, BUT NOTES "FRIENDLY AND PRIVILEGED RELATIONS WHICH UNITE US..." TEXT OF LETTER, ATTACHED WARRANT AND COVERING EMBASSY NOTE ARE BEING SENT SEPTEL. LETTER DATED JULY 2, 1975. NDAGANO OFFERED NO EXPLANATION FOR DELAY IN DELIVERY.

2. IN PRESENTING LETTER, NDAGANO SAID HE HAD BEEN INSTRUCTED TO EXPRESS HOPE OF ZAIRIAN EXECUTIVE COUNCIL THAT, IN VIEW FRIENDSHIP BETWEEN US AND ZAIRE, USG WOULD ACCEDE TO ZAIRIAN REQUEST DESPITE ABSENCE OF EXTRADITION
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TREATY.

3. MULCAHY ASSURED NDAGANO THAT LETTER WOULD BE TRANS-

MITTED PROMPTLY TO ATTORNEY GENERAL. HE SAID CONSULTATION WOULD BE UNDERTAKEN WITH DEPARTMENT'S LAWYERS AND WITH DEPARTMENT OF JUSTICE TO DETERMINE LEGAL REQUIREMENTS AND POSSIBILITIES AND THAT HE WOULD HOPE TO HAVE SOME REPLY FOR NDAGANO WITHIN A FEW DAYS. HE SAID THAT ALTHOUGH HE WAS NOT AN EXPERT ON THE SUBJECT HE SAW POSSIBLE PROBLEM GIVEN FACT POLITICAL OFFENSES NORMALLY NOT COVERED EVEN WHEN EXTRADITION TREATY EXISTS.

4. NDAGANO SAID NDELE HAD BEEN IN U.S. SINCE ABOUT 1969. DEPTOFF PRESENT AT MEETING SAID HE HAD HAD ENQUIRY ABOUT VISAS FOR NDELE'S DEPENDENTS IN 1974, AT WHICH TIME NDELE HAD BEEN STUDENT AT YALE. SAID HE THOUGHT NDELE PROBABLY STILL ENROLLED AT YALE BUT THAT WE HAD NO KNOWLEDGE OF WHETHER HE PRESENTLY IN U.S. MULCAHY SAID INS SHOULD BE ABLE DETERMINE THIS. FYI. BELGIAN EMBASSY MINISTER CAHEN TOLD DEPTOFFS IN JULY THAT NDELE HAD CUT SHORT SUMMER VISIT TO EUROPE AND RETURNED TO U.S. DEPT HAS HAD NO LATER WORD OF HIS WHEREABOUTS.

5. FYI. U.S. LAW DOES NOT PERMIT EXTRADITION IN ABSENCE OF TREATY. RESIDENT ALIEN MAY OF COURSE BE PROSECUTED OR DEPORTED FOR COMMISSION OF CRIME IN U.S. ON BASIS OF ALLEGATIONS WE HAVE AT PRESENT, WE ARE UNABLE TO DETERMINE WHETHER ANY CRIME MAY HAVE BEEN COMMITTED IN U.S. END FYI.

6. DEPT WILL ADVISE FURTHER DEVELOPMENTS. IF GOZ ENQUIRES, SUGGEST THAT EMBASSY SAY ONLY THAT IT UNDERSTANDS REQUEST HAS BEEN RECEIVED AND IS BEING REVIEWED BY COMPETENT USG AUTHORITIES. SISCO

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